

The Appeals Board's jurisdiction to review preliminary hearing findings is limited to the following issues:¹

- (1) Did the worker sustain an accidental injury?
- (2) Did the injury arise out of and in the course of employment?
- (3) Did the worker provide timely notice and claim?
- (4) Do certain defenses apply that go to the very basis and compensability of the claim?

The Appeals Board may also review those preliminary hearing orders where the administrative law judge has exceeded his or her jurisdiction and authority.²

The issue whether a psychological disorder is the direct result of an accidental injury is a question involving nature and extent of injury. Because the issue is not one of those listed above, and because the judge did not exceed her authority in denying the request for preliminary hearing benefits, at this juncture of the proceeding, the Appeals Board does not have jurisdiction to review this preliminary hearing Order.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this appeal should be, and hereby is, dismissed.

IT IS SO ORDERED.

Dated this ____ day of September 1998.

BOARD MEMBER

c: Roger A. Riedmiller, Wichita, KS
Clifford K. Stubbs, Lenexa, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director

¹K.S.A. 1997 Supp. 44-534a

²K.S.A. 1997 Supp. 44-551.